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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,951	10/15/2001	Mika Nishiyama	501.40646X00	9637

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EXAMINER

HARVEY, DIONNE

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,951

Applicant(s)

NISHIYAMA ET AL.

Examiner

Dionne N Harvey

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 15 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 13 and 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/12/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-12, 14,15 and 17-20** are rejected under 35 U.S.C. 102(e) as being anticipated by **Glorikian (US 6,772,213)**.

Regarding claims 1 and 2, in **figure 1**, **Glorikian** teaches a data distribution system communicating with a mobile data communication device capable of obtaining current position information indicating a current position, comprising: a data communication means/data sender/receiver **27** which sends and receives data to and from said mobile data communication device **31**; a means for storing information/information memory **14** which stores area position information indicating a position of a specific area and information associated with said specific area; in **column 8, lines 47-53 and lines 59-67**, **Glorikian** teaches that the device may be implement indoors wherein triangulation techniques or the use of various transmitters may be employed so as to determine the mobile device's position within a specific area, reading on "a discriminator which discriminates whether or not said mobile data communication device is in said specific area based on said current position information sent from said mobile data communication device"; and in **column 9, lines 21-26**, **Glorikian** teaches that in addition to the system determining the position of the user, the system also pulls appropriate information based upon said determined position, and pushes said information to the user's mobile device, reading on "[means for controlling or] a controller which controls providing control so that, in case said mobile data communication device is located in said specific area, information associated with said specific area is sent to said mobile data communication device via said data sender/receiver."

Regarding claim 3, **shown in figure 2, Glorikian** teaches that said mobile data communication device **29** includes a retrieving module **57** retrieving position information indicating a current position; a determining module **39** determining whether or not said current position is in said specific area; a transmitting module **45** transmitting to said data communication means information indicating that said data communication device is in said specific area; and a receiving module **45** receiving information associated with said specific area sent from said data communication means.

Regarding claim 4, **shown in figure 3, Glorikian** teaches a data distribution system communicating with short-range wireless communication means (**see column 8, Ins 42-45**) communicating wirelessly with a device over a short range, comprising: a mobile data communication device **71** which sends and receives data to and from said short-range wireless communication means **73**; in **column 8, line 64 through column 9 line 2, Glorikian** teaches a database, thereby reading on "a memory which stores information sent to said mobile data communication device"; in **column 9, lines 3-27, Glorikian** teaches that the movements of the user elicits changes in the information provided to the user device. For example, should the user stop for a predetermined amount of time, information regarding that specific exhibit is provided to the user, versus a user who moves from one room to another will receive information pertaining to the general nature of the exhibits, thereby reading on "a controller which controls providing control so that data from said mobile data communication device is

received via said short-range wireless communication means, and data stored in said information storing means is sent to a mobile data communication device located within a range in which data communication is possible via said short-range wireless communication means.”

Regarding claim 5, in **columns 14-15, Glorikian** teaches that information may be sorted and provided to the user. The various categories into which information may be sorted and provided to the user have been interpreted as reading on “different formats”, and they include Advertisement information database, the Time dimension database, the Personal Interest dimension database and the Commercial Enterprises dimension database. Therefor **Glorikian** teaches that ‘information memory stores said information associated with said specific area in a plurality of different formats but with equivalent contents”; in figure 2, **Glorikian** teaches a user input apparatus **61** by which the user may select the format by which information should be provided, reading on “said mobile data communication device is equipped with an information selector which selects a format for said information stored in said information memory”, **also see figure 8**; and as indicated in the above rejections, **Glorikian** teaches that said controller controls said data sender/receiver so that said information in said format selected using said information selector is sent to said data communication device.

Regarding claim 6, **Glorikian** teaches that said information in said

plurality of formats is information in a plurality of languages (see **column 12, lines 13-14**) or information with a plurality of levels of difficulty.

Regarding claim 7, in **column 18, lines 16-20, Glorikian** teaches a user information memory which stores user information such as an identification ID or a name of said mobile data communication device, and in **column 18, lines 31-40** teaches that said controller receives said user information from said mobile data communication device via said data sender/receiver and stores said received user information in said user information memory.

Regarding claim 8, in **column 10, lines 52-column 11, Glorikian** teaches an advertisement information memory which stores preferential treatment information or advertisement information; and in **column 11, lines 21-36, Glorikian** teaches that the controller of the system controls said data sender/receiver to read said preferential treatment information or advertisement information and send said information to said mobile data communication device.

Regarding claim 9, in **column 18, lines 18-30, Glorikian** teaches increasing levels of service are provided to the user dependent upon the degree of personal information the user has provided. The increasing levels of service are interpreted as reading on "assigning points" and the degree of personal information provided is interpreted as reading on "predetermined conditions". **Glorikian** therefore teaches "means for assigning points... each time said mobile data communication device fulfills predetermined conditions and receives said information; and said points are stored in said user information memory"

Regarding claim 10, in **column 18, lines 18-30**, **Glorikian** teaches that higher levels of service are provided to the user based upon his or her level of subscription. The higher levels of service are interpreted as reading on "special benefits" and his or her level of subscription is interpreted as reading on "points". **Glorikian** therefore teaches, "special benefits are provided to an owner of said mobile data communication means based on said points stored in said user information memory."

Regarding claim 11, in **column 18, lines 23**, **Glorikian** teaches that said controller obtains interests of an owner of said mobile data communication device and stores said interests in said user information memory.

Regarding claim 12, in **column 18, lines 31-39**, **Glorikian** teaches that said controller reads from said information memory information suited for said user tastes stored in said user information memory and sends said information to said mobile data communication device via said data sender/receiver.

Regarding claim 14, in **column 11, lines 58-61**, **Glorikian** teaches that said controller reads information from said advertisement information memory information suited for user interests stored in said user information memory, and sends said information to said mobile data communication device via said data sender/receiver.

Regarding claim 15, in **figure 3**, **Glorikian** teaches that said data sender/receiver includes: first data communication means (**inherent antenna means**) performing communication operations with said mobile data

communication device **31** of data including said position information (**see box 91 in figure 4**) and said information stored in said information storing means (**see box 93 in figure 4**); and in **column 10 lines 53 through column 11, line 61**, **Glorikian** teaches a second data communication means sending preferential treatment information and advertisement information stored in said advertisement information storing means.

Regarding claim 17, in **column 8, lines 1-20**, **Glorikian** teaches that the system may operate such that a user visiting a particular location need only have a portable unit so as to selectively access information regarding his or her surroundings, which reads on "an allowing portion which allows toll-free access from said mobile data communication device within said specific area."

Regarding claims 18 and 19, shown in **figure 2**, **Glorikian** teaches a mobile data communication device comprising: a position information obtainer/means for obtaining position information **57 (also see column 4, lines 61-63)** which obtains position information for a current position; a wireless communicator **43,45** which performs wireless communication of information including position information obtained by said position information obtainer; a memory/means for storing **41** which stores position information for a specific area; a display portion/means for displaying **65** which displays information; and a controller/means for controlling **63** which controls said display portion to display information indicating that said mobile data communication device is within said

specific area in case a current position obtained by said position information obtainer is within said specific area stored in said memory.

Regarding claim 20, **Glorikian** teaches means for entering whether or not displaying of newly received information is accepted (**see keyboard or pointing device**); and in **column 11, lines 57 through column 12, line 3**, that said controlling means controls said information displaying means so that when new information is received through said wireless communication means, information indicating that new information has been received is displayed, and said newly received information is displayed if an acceptance entry is received from said entering means.

Allowable Subject Matter

2. Claims 13 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baranowski (US 6,813,608) teaches a system for enhancing a user's experience in a boundary area.

Want (US 6,122,520) teaches a system for obtaining location specific information.


Hollenberg (US 6,091,956) teaches a situation information system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne N Harvey whose telephone number is 703-305-1111. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.Harvey


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